

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

TYSON FOODS, INC., et al.,

Defendants.

Case No. 05-cv-329-GKF-PJC

ORDER

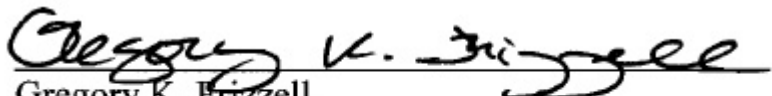
Before the court are plaintiff's objections [Dkt. #2348-2, pp.63-64] to defendant's designations of the deposition of Derek Smithee. Upon review of the objections, the court enters the following rulings:

Testimony Range	Ruling
	Objections as to Form of Question
19:3-8	Overruled
23:8-10	Sustained
24:7-10	Sustained
49:22-24	Moot - withdrawn by plaintiff
105:6-7, 16-17	Sustained
171:22-23	Sustained
180:16-18	Overruled
	Objections to Defendants' Designations
14:4-5; 13-25	Overruled
15:1-16	Overruled
16:4-15; 23-25	Overruled
17:1-8; 14-25	Overruled

18:1-3; 14-25	Overruled
19:1-2; 9-13; 20-25	Overruled
20:15-16	Overruled
21:20 to 23:5	Overruled
23:11 to 24:6	Overruled
24:11-16, 24:21 to 25:2	Overruled
29:5-20	Overruled
30:4-8	Overruled
32:18-24	Overruled
33:2-20; 24	Overruled
36:12 to 37:2	Overruled
42:10-17, 22-25 and 43:1-3, 6-8	Overruled in light of testimony at 43:9-12
45:2-5, 16-25 and 46:1-4	Sustained, Rule 602
53:5-12, 15-25 and 54:9-25	Overruled
59:16 to 60:6	Sustained, Rule 602
79:18-19	Overruled
80:14-23 and 81:4 to 82:10	Sustained as to 80:14-23, Rule 602 Overruled as to remainder
82:14-24	Overruled
83:13 to 84:4	Overruled
84:9 to 85:18	Overruled
86:6-14, 22-25 and 87:1	Overruled
88:24 to 89:9	Overruled
93:2-14	Sustained
103:14 to 104:5	Overruled
104:14 to 105:22	Overruled, but for 104:25 to 105:22, as to which the Court sustained

	the form objections
106:5-9	Overruled
114:6 to 115:6	Sustained as to 114:6-13, otherwise overruled
115:15 to 116:2	Overruled
151:19 to 152:2	Sustained
152:12-14	Sustained
153:8-17	Sustained
154:7-9	Sustained
167:5-8, 12-22	Sustained as to 167:19-22, otherwise overruled
170:15-19	Overruled, but include totality of answer on lines 19 & 20
172:3-13	Overruled
172:18-24	Overruled
172:25 to 174:20	Overruled
176:4-10, 17-18 and 22-24	Sustained as to 176:4-10; otherwise overruled
177:5-16	Overruled
178:11-16, 25	Overruled
179:1-4, 8, 14-15 and 19-25	Overruled
180:1-8, 13-24	Overruled

IT IS SO ORDERED this 29th day of December, 2009.


 Gregory K. Frizzell
 United States District Judge
 Northern District of Oklahoma